

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE DE-AC07-99ID13727	PAGE 1 OF 4 PAGES
2. AMENDMENT/MODIFICATION NO. M133	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQ. NO. NOPR		5. PROJECT NO. (If applicable)	
6. ISSUED BY U.S. Department of Energy Idaho Operations Office (DOE-ID) Site Services Division 1955 Fremont Avenue, MS 1240 Idaho Falls, ID 83415		CODE		7. ADMINISTERED BY (If other than Item 6) Wendy L. Bauer, Contracting Officer (208) 526-2808	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) Bechtel BWXT Idaho, LLC 765 Lindsay Blvd Idaho Falls, ID 83402		CODE		9A. AMENDMENT OF SOLICITATION NO.	
				9B. DATED (SEE ITEM 11)	
		X		10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AC07-99ID13727	
				10B. DATED (SEE ITEM 13) June 1, 1999	
CODE		FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

N/A

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS;
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority): THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE-NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (Such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: I.23 DEAR 970.5204-11 Changes (APR 1984) and H.35 Multi-Year Fee
	D. OTHER (Specify type of modification and authority):

E. IMPORTANT: Contractor_ is not, X is required to sign this document and return [3] copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

The purpose of this modification is to revise Section B.3, Estimated Cost and Available Fee for AMWTP work, and Section B.4, Total Available Fee.

(See attached pages)

Except as provided herein, all terms and conditions of the document referenced in Items 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Scott S. Crawford Manager, Prime Contract & Supply Chain		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Wendy L. Bauer Contracting Officer	
15B. CONTRACTOR/OFFEROR BY <u>Scott S. Crawford</u> (Signature of person authorized to sign)	15C. DATE SIGNED 3/17/06	16B. UNITED STATES OF AMERICA BY <u>Wendy L. Bauer</u> (Signature of Contracting Officer)	16C. DATE SIGNED 3/20/06

The contract is modified as follows:

1. Section B.3, ESTIMATED COST AND AVAILABLE FEE for AMWTP work, Line Item 1 and 2 are modified as follows:

Line Item 1 – The total estimated cost is increased \$10,700,000 from \$129,958,000 to \$140,658,000. The total available fee is increased \$2.5M from \$24.15M to \$26.65M. The total estimated cost includes

- Baseline Change Proposal (BCP) ICP-05-05 Rev 1, Accelerated AMWTP Contract Activities, in the amount of \$1,037,800 approved March 28, 2005 (BCP amount included within \$125M estimated cost, Modification No. M116);
- BCP AMWTP-BCP-004, Acquisition of Ten Drum Over Pack Steel, in the amount of \$1,500,000 approved December 19, 2005;
- BCP AMWTP-BCP-006, CCP Processing of AMWTP Drums, in the amount of \$3,458,000 approved February 16, 2006;
- Transfer from Line Item 2, LLD, \$2.4M to perform new scope for improved controls for drum removal and incentive; and
- Cost overrun based on estimated EAC at 4/30/06 of \$8.3M.

BBWI shall segregate the costs for the AMWTP work separate from the Idaho Completion Project costs.

Line Item 2 – The total estimated cost for processing Lower-Limit of Detection (LLD) waste is reduced by \$2.4M from \$11,843,397 to \$9,443,397. The total estimated cost includes AMWTP-BCP-001 Rev 1, Lower Limit of Detection (LLD) Waste Disposal Project, as modified and approved on September 12, 2005 (Contracting Officer letter AS-SSD-AMWTP-05-026) and AMWTP-BCP-003, Lower Limit of Detection (LLD) Waste Disposal Project Continuation, as approved by the Contracting Officer on December 21, 2005. BBWI shall segregate the subcontractor costs for the LLD waste work separately from other AMWTP work. LLD work is not included in the fee calculation for B.4, *Performance Based Incentive 4, Milestone Achievement Incentive*.

2. Section B.4, TOTAL AVAILABLE FEE, is modified as follows:

PERFORMANCE MEASURE AND EXPECTATION – The total available fee is \$26.65M and may be earned as follows:

Measure 1: Shipped Waste* to WIPP- Available Fee is \$11.5M

- BBWI is required to comply with the DOE approved WIPP shipping schedule.
- 5,400 cubic meters (m³) throughout this modification will be adjusted based on actual BNFL performance through 4/30/05 and volume remaining to get to 6,000m³
- If 5,400m³ is shipped by 12/31/05, then the contractor will earn \$6M in fee.
- If 5,400m³ is not shipped by 12/31/05, the \$6M in fee is unearned.
- If 5,400m³ is shipped on or before 12/31/05, then the contractor will earn \$1,000/m³ for each m³ shipped above 5,400m³ through 4/30/06. The maximum available fee is \$4M.
- If 5,400m³ is not shipped by 12/31/05, but the contractor does ship a total of 6,000m³ by April 30, 2006, then \$4M is earned.
- Upon BBWI completion of shipping 6,000m³, BBWI may earn \$1,000 per m³ shipped above 6,000m³ through 4/30/06. Quantity excludes actual BNFL waste shipped. The maximum available fee is \$1.5M.
- * Shipped Waste is defined as certified TRU waste that has a completed Payload Container Transportation Certification Document (and an Overpack Payload Container Transportation Certification Document, if applicable) and is loaded on approved carriers, and transported beyond the boundaries of the Idaho site.

Measure 2: Prepare for Shipment* of waste to WIPP by 4/30/06 – Available Fee is \$6.25M.

<u>Waste Prepared m³</u>	<u>Fee Paid Per m³ of Waste Prepared for Shipment</u>
0-2,500m ³	\$660/m ³
2,501-6682m ³	\$1,100/m ³

- Contractor can bill in 500m³ increments unless otherwise mutually agreed.
- *Prepare for Shipment, throughout this contract is defined as certified TRU waste that has a completed Payload Container Transportation Certification Document (and an Overpack Payload Container Transportation Certification Document, if applicable) and is ready to be loaded into a GFE transport.
- If BBWI shipments are diverted to another site that prevents the shipment from being made under Measure 1, the fee will be paid for preparation, over and above 6,682m³ prepared.

Measure 3. Waste Category Production Achieved by 4/30/06 - Total Processed – Available Fee is \$2.5M.

<u>Waste Category</u>	<u>Volume</u>	<u>Available Fee</u>
Waste Retrieved*	2,700m ³	\$250K
Waste Characterized**	1,500m ³	\$1.25M
Waste Certifiable***	500m ³	\$1M

- The volume of waste retrieved, characterized, and certifiable must be in addition to the BNFL retrieved, characterized, and certifiable quantities.
- Fee for waste retrieved and waste characterized is only paid for total volume specified. There will be no prorating for lesser quantities. BBWI must retrieve 8,700m³ to earn \$250K by 4/30/06. BBWI must characterize 7,500m³ to earn \$1.25M by 4/30/06.
- Fee for waste certifiable is paid on a pro rata basis at a rate of \$2,000/m³. For example, if the total volume of waste certifiable is 10m³, BBWI will earn \$20,000 (\$2,000/m³ x 10 = \$20,000). BBWI must have 175m³ of backlog certifiable waste on 4/30/06, in order to earn the pro rata fee of this measure. The pro rata fee covers certified units 6,301m³ through 6,800m³.
- No fee will be paid prior to 4/30/06 for this measure.
- *Waste Retrieved is defined as all waste, regardless of its eventual disposal route, that is retrieved by the Contractor from its storage location at the Transuranic Storage Area Retrieval Enclosure, the RCRA Type II storage modules or the RCRA Type I storage module. Retrieved waste includes, but is not limited to waste which has been historically managed as TRU and/or ALLMW. Retrieved waste will be compliantly staged and ready for characterization.
- **Waste Characterized is defined as waste that is successfully processed through Real-Time Radiography, Assay, and Head Space Gas (lined debris drums or direct ship drums only), its relevant data validated and verified, and it is compliantly staged and ready for certification or introduction into the treatment facility.
- ***Waste Certifiable is defined as TRU waste that has been characterized, its relevant data validated and verified, and its information is ready to be entered into and approved in the WWIS Certification Module, as specified in the WIPP Hazardous Waste Permit.

Measure 4 Milestone Achievement Incentive - Available Fee is \$5M.

- BBWI must generate \$15M in Cost Savings by 4/30/06 (\$15M of the total estimated cost of \$125M) and achieve 5,400m³ shipped by 12/31/05.
- Linear adjustment to this cost incentive will occur for any reduced savings below \$15M, but only if 5,400m³ is shipped on or before 12/31/05 in accordance with Measure 1. For example, if BBWI accomplishes cost savings of \$10M by 4/30/06, and ships the 5,400m³ of waste identified in Measure 1 to WIPP on or before 12/31/05, then BBWI will earn a cost savings incentive of \$3.3M ($10/15 \times \$5M = \$3.3M$).

Measure 5 Shipment of LLD Waste Available Fee \$400,000 – DELETED IN IT'S ENTIRETY

Measure 6 – Improved Controls for Drum Removal – Available Fee \$400K

BBWI is to implement applicable administrative and engineered controls as verified and approved by DOE. If the applicable administrative controls and infrared detection are in place by April 1, 2006, \$100K may be earned. If the remaining administrative and engineered controls are in place by April 30, 2006, \$300K may be earned. At a minimum, the administrative and engineered controls must consider:

- Personal Protective Equipment
- Plexiglass shielding
- Infrared detection
- Magnesium oxide suppressant

Measure 7 – Settlement of Request for Equitable (REA) Adjustment – Available Fee is \$1M

In consideration for all REAs received through February 27, 2006, BBWI and DOE agree to a one-time fee payment of \$1,000,000, which is available after the effective date of this modification.

CONTRACTOR'S STATEMENT OF RELEASE: In consideration of the modification(s) agreed to herein as complete equitable adjustment for the Contractor's letters CCN BBWI-05-1546 dated December 15, 2005, CCN BBWI-05-1553 dated December 27, 2005, CCN BBWI-06-20085 dated January 19, 2006, and CCN 06-20015 dated January 25, 2006, the Contractor hereby releases the Government from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances giving rise to the proposal for adjustment.